

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CLERK'S MINUTES

***BEFORE DISTRICT JUDGE JAMES O. BROWNING***

<b>CASE No.:</b>	14-2783 JB	<b>DATE:</b>	January 20, 2015
<b>CASE CAPTION:</b>	<i>USA v. Rodella</i>		
<b>CRD:</b>	K. Wild	<b>COURT REPORTER:</b>	J. Bean
<b>COURT IN SESSION:</b>	10:27 a.m. 1:01 p.m.	<b>COURT IN RECESS:</b>	12:01 p.m. = 1:34 1:41 p.m. = :40 <b>TOTAL = 2:14</b>

**TYPE OF PROCEEDING:** Motion Hearing (see below)

**COURT'S RULING/DISPOSITION:**

1. Second Motion for a New Trial [160] – **DENIED WITHOUT PREJUDICE**
2. Motion for Continuance of Sentencing [161] - **DENIED**

**ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY:** Court

**ATTORNEYS PRESENT FOR PLAINTIFF(S):**

Tara Neda/Jeremy Pena, AUSAs

**ATTORNEYS PRESENT FOR DEFENDANT(S):**

Robert Gorence (Retained)

**PROCEEDINGS**

**COURT IN SESSION:** 10:27 a.m.

**COURT:** Calls case. Counsel enter appearances. Defendant present (in custody).

**SECOND MOTION FOR A NEW TRIAL [160]**

**Court:** Will first take up motion for new trial.

**Mr. Gorence:** Argues in support of motion; moves to continue this hearing as well.

**10:43 a.m. Ms. Neda:** Argues in opposition to motion for new trial and the motion to continue hearing re: motion for new trial.

**11:00 a.m. Mr. Gorence:** Argues in reply in further support of motions.

**11:11 a.m. Court:** Denies motion to continue this hearing without prejudice for renewal.

**Mr. Gorence:** Proffers anticipated testimony of Jason Bowles – will rely briefing on motion for new trial – argues in support of same.

**11:46 a.m. Mr. Gorence:** Defendant calls Jason Bowles (sworn)/conducts direct examination.

**11:57 a.m. Ms. Neda:** Conducts cross examination of Bowles.

**12:01 p.m. Mr. Gorence:** No further examination of Bowles.

**Court:** Excuses Bowles from proceeding. Will recess until 1:00 p.m.

**Court in recess: 12:01 p.m.**

**Court in session: 1:01 p.m.**

**Mr. Gorence:** No further evidence to present. Argues further in support of motion.

**1:18 p.m. Ms. Neda:** Argues in response in opposition to motion.

**1:18 p.m. Mr. Gorence:** No further argument on motion.

**1:18 p.m. Court:** Denies motion. Asks if given ruling if there is any reason not to proceed with sentencing tomorrow?

**MOTION FOR CONTINUANCE OF SENTENCING [161]**

**1:36 p.m. Mr. Gorence:** No. Argues further in support of motion for new trial.

**Ms. Neda:** No argument on motion to continue trial.

**Court:** Denies motion.

**Court: 1:41 p.m.**